

**TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN**

**AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND
REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES**

Section 1. Intent

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Byron and to regulate their operation. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section 2. Statutory Authority

The Byron Town Board has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wis. Stats. s. 23.33(8)(b) and (11). The applicable provisions of §23.33 regulating ATV/UTV operation pursuant to routes are adopted.

Section 3. Adoption of Ordinance.

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

Section 4. Definitions.

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

- (a) "All-Terrain Vehicle (ATV)" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.
- (b) "Town " means the Town of Byron, the Town Board or any other Town of Byron official(s) authorized by the Town Board to act on behalf of the Town of Byron.

(c) "Utility Terrain Vehicle (UTV)" means any of the following:

(1) A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
- b. Four or more tires.
- c. A steering wheel.
- d. A tail light.
- e. A brake light.
- f. Two headlights.
- g. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
- h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- i. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

(2) A commercially designed and manufactured motor driven device to which all of the following applies:

- a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 2000 pounds.
- b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

- c. It is equipped with a seat designed to be straddled by the operator.
- d. It travels on 3 or more tires.
- e. It is not an all-terrain vehicle, as defined in (a) above.

Section 5. Operation of All-Terrain and Utility Terrain Vehicles.

Pursuant to Wis. Stat. § 23.33(4)(d)4, except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

Section 6. Routes

The Town of Byron hereby designates the following town roads as all-terrain and utility terrain vehicle routes:

All town roads unless otherwise posted (excludes dead end roads which are closed to ATV/UTV traffic except to allow for use by property owners on said roads).

Town roads shared with another town will not be a designated ATV/UTV route unless the other town approves its designation as a route.

All county and state roadways posted 35 mph or less will be open to ATV/UTV usage as authorized under Wis. Stat. s. 23.33(11)(am)4 unless otherwise posted.

Section 7. Conditions

As condition for use of township roads, the following conditions shall apply to all operators (and passengers):

- A. All ATV/UTV units shall be properly registered for public use in accordance with the Wisconsin Department of Natural Resources regulations, and proof of registration shall be displayed as required by statute during all time of operation.
- B. All ATV/UTV operators shall observe posted speed limits, not to exceed 35 mph.
- C. Every person who operates an ATV/UTV must be at least 16 years old and shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official in described in Wis. Stats. §23.33(12).
- D. No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a) and with the chin

strap properly fastened, except as specifically exempted under s. 23.33(3g)(b, c and d) Wis. Stats.

- E. The operator of an ATV/UTV shall obey all traffic laws, local ordinances and DNR regulations.
- F. ATV and UTV use is prohibited on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily or during times of reduced visibility due to heavy rain, snow, or fog. The daily time restriction does not apply to units licensed for agricultural use.
- G. All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- H. Approved hand signals are required whenever the operator intends to direction if vehicle is not equipped with turn signals.
- I. All ATV/UTV operators shall ride single file.
- J. The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the ATV/UTV and display the registration license plate at all times.
- K. No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- L. Routes are open year-round.
- M. On all roads shared with another jurisdiction the most restrictive Ordinance shall apply.
- N. All roads must be signed in accordance with NR 64.12, and NR 64.12 (7)
- O. ATV/UTV operation is at the risk of the operator. All ATV/UTV operators must carry liability insurance coverage and proof of insurance. The TOWN OF BYRON has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes under s. 895.52 (1)(d)(g) Wis. Stats.
- P. The Town reserves the right to open, close, or modify routes within its jurisdiction at any time by a simple Board motion.

Section 8. Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Fond du Lac County Sheriff's Department, and any other law enforcement agency serving the Town of Byron's jurisdiction.

Section 9. Penalties

Wisconsin State All-Terrain Vehicle penalties as found in s. 23.33 (13) Wis. Stats., are adopted by reference.

Section 10. Maintenance

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

Section 11. Severability

The provision of this ordinance shall be deemed severable, and it is expressly declared that the Township would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 12. Effective Date

This ordinance is effective on publication or posting and only upon placement of signage in accordance with NR 64.12. The Town Clerk shall properly publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this 8 day of June, 2021

TOWN OF BYRON

By: Bob Simon
Bob Simon, Town Chairperson

Attest:

Mary Laudolff
Mary Laudolff, Town Clerk